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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

No. 72-344

OCTOBER TERM, 1972

In the Matter of the Vessel
MARINE SULPHUR QUEEN
Marine Sulphur Transport Corporation,
As Owner,
Petitioner,

—and—

MARINE TRANSPORT LINES, INC.,
As Demise Charterer,
Petitioner,

BETHLEHEM STEEL CORPORATION,
Impleaded Respondent,
Respondent,

UNITED STATES FIRE INSURANCE COMPANY OF NEW YORK,
Cargo Claimant,
Respondent,

IDA RUTH HEARD, *et al.*,
Death Claimants,
Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITIONERS' REPLY BRIEF

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PETITIONERS' REPLY BRIEF

At various places in their Brief in Opposition, the Death Claimants make reference to a May 17, 1960 letter from

George G. Sharp & Co., naval architects, to MTL and imply that this letter somehow gave MTL knowledge superior to that of the United States Coast Guard and the American Bureau of Shipping.

The fullest statement of this view on their part is found in the first full paragraph on page 7 of that Brief in Opposition. However, the short answer to that particular statement and the brief insinuations elsewhere along the same line is that an item in one of the Death Claimants' own exhibits submitted to the Trial Court (Jt. App., p. 4171a) showed that on May 13, 1960, four days before the date of the letter, the American Bureau of Shipping had the benefit of a full discussion with a representative of the Sharp firm on Sharp's views as to the transverse strength and bulkheads of the original Bethlehem design.

As indicated in the last sentence in that item from the exhibit submitted by the Death Claimants, the American Bureau of Shipping proposed to state its views as to the insufficiency of the original design to Bethlehem, which it proceeded to do on May 16, 1960 (Jt. App., p. 4146a).

It was after that discussion took place that Bethlehem then submitted a new design of the vessel, which was discussed at considerable length with the American Bureau of Shipping representatives on May 20, 1960 and was approved, as appears from two other items from the same exhibit submitted by the Death Claimants (Jt. App., pp. 4174a-4176a and 4177a-4178a).

In the light of this, it appears that the Death Claimants have wholly failed to meet the basic points made with respect to the vessel's design, stability and load line at pages 14-19 of the Petition, covering the only areas the Courts below even came close to considering as being at all

related to the vessel's loss. A summary reversal would appear to be in order.

Dated: New York, N. Y.
October 18, 1972

Respectfully submitted,

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